

**DECLARATION CLAIMING SMALL ENTITY STATUS  
PURSUANT TO 37 CFR 1.9(f) and 1.27(c)**

**INDIVIDUAL INVENTORS**

We hereby declare that, as below named inventors, We qualify as joint independent inventors as defined in 37 CFR 1.9(c), for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, with regard to the invention, entitled:

**LEARNING STATE MACHINE FOR USE IN NETWORKS**

Provisional application Serial No. 60/279488 filed March 28, 2001

We have not assigned, granted, conveyed, or licensed and are under no obligation under contract or law to assign, grant, convey, or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). Each person, concern or organization to which we have or are under obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

Netrake Corporation  
3000 Technology Drive, Suite 100  
Plano, Texas 75074

Individual  
 Small Business Concern  
 Nonprofit Organization

We acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: James Robert Deerman  
Address: 15 White Rock Trail  
Lucas, Texas 75002

James Robert Deerman 5/7/01  
Signature Date

Name: Aswinkumar Vishanji Rana  
Address: 3213 Upshire Court  
Plano, Texas 75075

Ashu 5/7/2001  
Signature Date

Name: Milton Andre Lie  
Address: 5913 Spring Hill Drive  
Plano, Texas 75089

Milton Andre Lie 5/8/01  
Signature Date

Name: Travis Ernest Strother, Jr.  
Address: 7501 Belmont Road  
Rowlett, Texas 75089

Travis Ernest Strother 5/8/2001  
Signature Date

Name: Mark Warden Hervin  
Address: 3605 Bent Ridge Drive  
Plano, Texas 75074

*Mark W. Hervin*

Signature

*5/7/01*

Date

Name: John Raymond Carman  
Address: 90 Seattle Slew Lane  
Fairview, Texas 75069

*John Raymond Carman*

Signature

*5-7-01*

Date

Name: Larry Gene Maxwell  
Address: 14439 Dennis Lane  
Farmers Branch, Texas 75234

*Larry Gene Maxwell*

Signature

*5/7/01*

Date

Name: Robert Daniel Maher, III  
Address: 7401 Gurney Drive  
Plano, Texas 75024

*Robert Daniel Maher III*

Signature

*5/7/2001*

Date

**DOCKET NO.**      **NR-9**

**PATENT**

**DECLARATION CLAIMING SMALL ENTITY STATUS  
PURSUANT TO 37 CFR 1.9(f) and 1.27(c)**

## **SMALL BUSINESS CONCERN**

I hereby declare that I am an officer of the small business concern empowered to act on behalf of the concern identified below:

**NAME OF CONCERN:** Netrake Corporation  
**ADDRESS OF CONCERN:** 3000 Technology Drive  
Suite 100  
Plano, Texas 75074

The above identified small concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is averaged over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

Rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

## “LEARNING STATE MACHINE FOR USE IN NETWORKS”

by inventor(s): James Robert Deerman, Aswinkumar Vishanji Rana, Milton Andre Lie, Travis Ernest Strother Jr., Mark Warden Hervin, John Raymond Carman, Larry Gene Maxwell, Robert Daniel Maher III

Rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\*

None

**\*NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

No rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name and Title: Craig J. Cox, General Counsel and Secretary

Address: 3000 Technology Drive  
Suite 100  
Plano, Texas 75074

Craig J. Cox  
Signature

Date 5/8/01

## DECLARATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled **LEARNING STATE MACHINE FOR USE IN NETWORKS** the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

We acknowledge the duty to disclose to the Office all information known to us to be material to the patentability of this application as defined by Title 37, Code of Federal Regulations, § 1.56.

We hereby claim no foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate on which priority is claimed.

We hereby claim no benefit under 35 U.S.C. § 120 of any United States application(s) for patent. We acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in § 1.56 which became available between the filing date of any prior application(s) and the national or PCT international filing date of this application.

We hereby appoint:

CRAIG J. COX, Registration No. 39,643;

General Counsel of Netrake Corporation, attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities under the Patent Cooperation Treaty.

Send correspondence to:

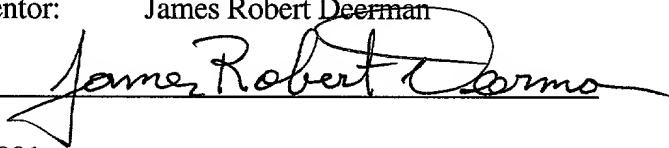
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Direct telephone calls to: Craig J. Cox  
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Atty. Docket No.: NR-9

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor: James Robert Deerman

Inventor's signature: 

Date: 5 - 7, 2001

Residence (City, County, State): Lucas, Collin County, Texas

Post Office Address: 15 White Rock Trail  
Lucas, Texas 75002

Citizenship: United States of America

Full name of second inventor: Aswinkumar Vishanji Rana

Inventor's signature: 

Date: 5/7/, 2001

Residence (City, County, State): Plano, Collin County, Texas

Post Office Address: 3213 Upshire Court  
Plano, Texas 75075

Citizenship: India

Full name of third inventor: Milton Andre Lie

Inventor's signature: Milton Andre Lie

Date: 5-8, 2001

Residence (City, County, State): McKinney, Collin County, Texas

Post Office Address: 5913 Spring Hill Drive  
Dallas, Texas 75070

Citizenship: Suriname

Full name of fourth inventor: Travis Ernest Strother, Jr.

Inventor's signature:

Date: 5/8/2001, 2001

Residence (City, County, State): Rowlett, Dallas County, Texas

Post Office Address: 7501 Belmont Road  
Rowlett, Texas 75089

Citizenship: United States of America

Full name of fifth inventor: Mark Warden Hervin

Inventor's signature: Mark W. Hervin

Date: May 7, 2001

Residence (City, County, State): Plano, Collin County, Texas

Post Office Address: 3605 Bent Ridge Drive  
Plano, Texas 75074

Citizenship: United States of America

Full name of sixth inventor: John Raymond Carman

Inventor's signature: John Raymond Carman

Date: May 7, 2001

Residence (City, County, State): Fairview, Collin County County, Texas

Post Office Address: 90 Seattle Slew Lane  
Fairview, Texas 75206

Citizenship: United States of America

Full name of seventh inventor: Larry Gene Maxwell

Inventor's signature: Larry Gene Maxwell

Date: 05/07/01, 2001

Residence (City, County, State): Farmers Branch, Dallas County, Texas

Post Office Address: 14439 Dennis Lane  
Farmers Branch, Texas 75234

Citizenship: United States of America

Full name of eighth inventor: Robert Daniel Maher, III

Inventor's signature: Robert Daniel Maher III

Date: MAY 7, 2001

Residence (City, County, State): Plano, Collin County, Texas

Post Office Address: 7401 Gurney Drive  
Plano, Texas 75024

Citizenship: United States of America